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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

August 8, 1997

BY HAND DELIVERY

Mr. William F. Caton
Acting Secretary
Federal Communications Commission
1919 M Street, N.W., Room 222
Washington, D.C. 20554

Re: MM Docket No. 97-138

Dear Mr. Caton:

Transmitted herewith on behalf of GRK Productions Joint Venture are an original and four copies of its Comments with regard to the Commission's Notice of Proposed Rulemaking, FCC 97-182, released May 28, 1997, in the above-referenced proceeding.

Should any questions arise concerning this matter, please communicate with the undersigned.

Very truly yours,
FLETCHER, HEALD & HILDRETH, P.L.C.



Anne Goodwin Crump
Counsel for GRK Productions Joint Venture

Enclosures

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BEFORE THE

Federal Communications Commission

WASHINGTON, D.C. 20554

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AUG 08 1997

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of

Review of the Commission's Rules
Regarding the Main Studio and Local
Public Inspection Files of Broadcast
Television and Radio Stations

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MM Docket 97-138

Directed to: The Commission

COMMENTS

GRK Productions Joint Venture ("GRK"), by its attorneys, hereby respectfully submits its Comments with regard to the Commission's Notice of Proposed Rule Making, FCC 97-182, released May 28, 1997, proposing changes in the broadcast main studio and local public inspection file rules. With respect thereto, the following is stated:

1. GRK is the licensee of Stations WGKI(TV), Cadillac, Michigan, and WGKU(TV), Vanderbilt, Michigan. As such, GRK has gained substantial experience in operating television stations in a small market. Based upon this experience, GRK supports the relaxation of both the main studio rule (47 C.F.R. § 73.1125) and the local public inspection file rule (47 C.F.R. §§ 73.3526, 73.3527).

2. With regard to the main studio location, GRK favors a relaxation of the Commission's Rules to allow greater flexibility in the placement of the main studio. Both WGKI(TV) and WGKU(TV) operate in the UHF band. The additional flexibility in main studio location would be beneficial to licensees, especially those operating UHF stations, which typically have a

smaller city grade contour than VHF stations. A revision of the rules to allow location of the main studio at a greater distance from the community of license would allow UHF stations the same choices as those now afforded to VHF stations. Thus, stations in the same market would be able to compete on a more equal footing. The improvement in competitive position would allow for more economically sound stations better able to serve the public interest. Moreover, with today's modern transportation and good roads, greater distances may be covered with relative ease. Thus, the studio will remain accessible to the community of license.

3. Furthermore, in regional markets such as the Cadillac-Traverse City market in which GRK operates its stations, a main studio located outside a station's city grade contour may actually be more accessible to a greater number of viewers. For example, the Cadillac-Traverse City market covers a very large geographic area which, for the most part, is sparsely populated. The size of the market is illustrated by the fact that GRK is the licensee of two stations in the market, which at the present time have only a *de minimis* overlap of their Grade B signal contours. Obviously, each station covers a different part of the market, and the stations' viewers are spread throughout the market. WGKU(TV), Vanderbilt, is located in a remote and very thinly populated area. Because of this remote location, for many viewers it would be much more convenient to visit a main studio located in a central city of the market, such as Cadillac. As stated above, the stations' viewers are widely spread throughout the market. For viewers located in other small communities service area of a remotely located station such as WGKU(TV), roads are likelier to be better going to the central city in the market rather than to another small community. Typically, more and better roads connect outlying communities with a central city than with each other. Thus, the main studio would be more accessible to a greater number of

people, while still maintaining accessibility for residents of the community of license.

4. Whatever standard is chosen for determining the main studio location, it should be possible to determine compliance objectively. Any rule which would require subjective analysis of the acceptability of a particular studio location, such as one specifying that a location be “reasonably accessible” would create uncertainty for licensees. Licensees using their best efforts to comply with the rule could never be certain whether their chosen location would later be found to be unacceptable pursuant to the main studio rules. Licensees then could find themselves in the untenable position of being committed to a long term lease but being forced to find a new main studio location. Furthermore, any subjective standard would generate litigation, as other parties could file complaints arguing that a particular location violated the rule based upon their own subjective analyses. Such a result would be an unnecessary burden on the resources of both the Commission and licensees. Therefore, any revised main studio rule should embody an objective standard for determining where the main studio may be placed.

5. With regard to the local public inspection file, based upon its own experience, GRK strongly supports the proposed revision of the public inspection file rules to permit licensees to maintain their local public inspection files at their main studios, wherever located. In GRK’s experience, it has found that the Commission’s rule requiring each licensee to maintain a public inspection file within the station’s community of license, regardless of where the station’s main studio may be located, does not make information more readily accessible to the public and, indeed, often works contrary to that goal. The location of a station’s public file outside its main studio is not generally known to community residents. Moreover, when the file is maintained off the licensee’s premises, it is subject to either deliberate tampering or inadvertent loss of

documents. Thus, while maintenance of a separate public file is expensive for the licensee, that expense is not justified by increased benefit to the public.

6. As an initial matter, the public generally associates a station with its main studio location. It is only logical to assume that all records associated with the station's business would be located at the main studio, the station's central business location. A member of the public may ascertain the main studio location by simply looking it up in the local telephone directory. Thus, it would be natural for someone to proceed directly to the main studio in order to view the public file. On the other hand, if the public inspection file is away from the main studio, a member of the public cannot simply consult a reference source to determine the location of the file. Unless the interested party wishes to see the public file at a time when the station happens to be running a public notice including the file location, and unless that party happens to hear or see the notice, the only way to find the location would be to visit or call the station. Therefore, members of the public who wish to inspect the local public file would logically contact or visit the main studio, only to find out that they must go somewhere else to view the file. Thus, a separate public file location imposes additional burdens not only on the licensee but also on members of the public seeking information.

7. Even more importantly, having a public file located away from the licensee's main studio premises removes the file from the licensee's direct control. Even the most diligent licensee cannot be assured that its public inspection file will be complete at all times. Innumerable possibilities exist for documents to go astray. Absent daily visits to the file, the licensee cannot be certain that the file is always complete due to potential losses of documents in transmission, mishandling by the file custodian, or outright tampering or theft. If the public file

is located at the main studio, the licensee can always maintain control over the file and can monitor it more closely to ensure that the file remains complete.

8. The burdens imposed by maintaining a public inspection file in the community of license are not outweighed by any countervailing public benefit, as the public rarely, if ever, makes use of such files. GRK maintains a public inspection file for WGKU(TV) at the Vanderbilt Public Library. In the time since the public inspection file was established in 1991, no one has requested to see the file. Indeed, even when the public file is located at the main studio within the community of license, as is the case with WGKI(TV), Cadillac, community residents and other members of the public generally do not make use of the public inspection file. Since 1989, GRK has received no requests to view the WGKI(TV) public file. Thus, it is clear that the public inspection file is not a resource upon which the public generally relies. The benefits of maintaining a file which virtually no one ever uses clearly do not outweigh the burdens upon the licensee. The resources which are currently being expended on maintenance of files located at a distance from the main studio could be better put to use in stations' other public service endeavors.

9. GRK also supports the proposal to eliminate the requirement that licensees maintain a copy of the 1974 manual entitled "The Public and Broadcasting." As noted by the Commission in the Notice of Proposed Rule Making, this manual is long out of date. Indeed, the manual is so outdated that in some instances it provides misinformation. Therefore, it would be in the public interest to remove this document from station's public inspection files.

10. In addition, GRK supports the proposal to reduce the retention requirements for license assignment and transfer applications and applications for major modifications. While the


public might have an interest in these applications during the time in which they are pending before the Commission or the courts, such applications would be of little relevance after action on the applications became final. Thus, licensees should be required to retain those applications only until action on the application becomes final.

11. In sum, GRK favors revision of the main studio rule to provide more flexibility in the choice of main studio locations. GRK also favors revision of the public inspection file rules to allow licensees to maintain their public inspection files at their main studios, wherever located. Both of these revisions would serve the public interest by removing unnecessary restrictions on licensees while at the same time maintaining accessibility to stations for members of the public.

Respectfully submitted,

GRK PRODUCTIONS JOINT VENTURE

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August 8, 1997